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FILED
MAR 16 2009
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 08-733

In The

Supreme Court of the United States

Debabrata Saha,

Petitioner

v.

Donald Lehman, individually and in his capacity as Executive Vice President for Academic Affairs, The George Washington University,

Timothy Tong, individually and in his capacity as Former Dean of School of Eng. and Applied Science, The George Washington University,

and

The George Washington University,

Respondents

On a Writ of Certiorari
To The United States Court Of Appeals
For The District of Columbia Circuit

PETITION FOR REHEARING

Debabrata Saha (pro se)
9409 Fairpine Lane
Great Falls, VA 22066
(703) 757-5418

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PETITION FOR REHEARING

I. Introduction

Pursuant to Supreme Court Rule 44.2, Petitioner Debabrata Saha who is a tenured professor in the George Washington University respectfully seeks rehearing of the Writ Petition that has been denied on February 23, 2009 without any expressed opinion. The rehearing is warranted because of intervening circumstances and substantial grounds not previously presented.

This case addresses specific federal questions that have exceptional importance in the governance of university teaching profession. Petitioner has been teaching in GWU since 1986. In 1997 GWU President Trachtenberg labeled the petitioner as a whistle blower for his role on matters of academic integrity; since then respondent VP Lehman suspended petitioner four times in eight years. In the past, each time petitioner has been exonerated and reinstated. But the last suspension in the fall of 2005 and associated constitutional violations (Fourth and Fourteenth Amendment) marked the beginning of the very first attempt of tenure revocation in the 187 years history of GWU.

The notion of tenure is an integral part of American higher education. Tenure's *"real concern is with arbitrary or retaliatory dismissal based on administrator's or trustee's distaste for the content of a professor's teaching or research, or even for positions taken.....It is designed to foster our society's interest in the unfettered progress of research and learning by protecting professor's*

freedom of inquiry and instruction" Re. Browzin v. Catholic University, 527F.2d 843 (D.C. Cir 1975).

Petitioner's 1996 whistle blowing is the root cause for administration's distaste for the petitioner. Since then Lehman administration of GWU has been guided by **limitless malice and vengeance**, the very elements against which tenure is designed to provide protection.

The petition for Writ and this petition for Rehearing are ***based on the assumption that we live in a society where quality of justice is expected to be at least marginally superior to the quality of justice in Late Saddam Hussein's dictatorial Iraq.*** But GWU administration with its puppet committees (similar to those of Saddam Hussein's) proved it to be otherwise. ***This is a national disgrace in the capitol of the Nation which needs correction.*** President Barack Obama received it only by inheritance. The irregularities consist of

- Multiple Frauds by Executive VP Lehman (one of which is proved with certainty from direct testimony of President Trachtenberg),
- Glaring multiple violations of Faculty Code by Trachtenberg,
- Kangaroo Court conducted by GW Law School Professor Joan Schaffner,
- Negligence, failings, and indifferences of the lower courts to a pro se litigant professor who blew whistle and risked his career only for maintaining Academic Integrity.

These extreme irregularities proved that the integrity of Justice has been very much compromised, and rehearing of the petition for writ is essential. ***Petitioner respectfully appeals to this Court for a rehearing and a published opinion on this case.***

The following is a list of intervening circumstances and substantial grounds not previously presented:

1. **Wrongful Termination**: GWU did not seek the approval of Board of Trustees (as outlined in the Faculty Code) to revoke petitioner's tenure. After failing to revoke tenure, GWU resorted to a fraudulent letter (Appendix A) to terminate petitioner's position. This letter without bearing any signature does not have any legal merit.

2. **Failed Faculty Code**: GWU Faculty code failed to function (Re. Appendix B).; now remedy lies with the Board of Trustees and/or intervention of this court through granting writ.

3. **Financial strangulation**: GWU denied any raise in salary over one decade since Whistle Blowing in 1996. Effective March 1st, 2007 GWU stopped petitioner's paycheck violating Lehman's agreement (Appendix C).

4. **Premeditated campaign of defamation of petitioner's teaching and research.**

5. **Premeditated Character Assassination of petitioner:** GWU wrongfully labeled the petitioner with **the image of a Mass Killer** prior to Civil Right Violations (42 U.S.C. § 1983) from which this present case originated from.

II. Reasons for Granting Rehearing

A. *The Respondents failed to respond to the Petitioner's allegations made in his petition for Writ.*

Petitioner requests this court to asses this failure in the light of Intervening Circumstances presented next.

B. Intervening Circumstances and Grounds not previously presented.

The following circumstances present overwhelming material facts which establish that respondents ***all along*** have been guided by sense of extreme malice and vengeance, and premeditated plots of professional defamation and character assassination ***before and after*** resorting to entrapment and violation of petitioner's fourth and fourteenth amendment rights as means for ***initiating petitioner's tenure revocation.***

1. Wrongful Termination:

Tenure can be revoked only following procedures in Faculty Code, an essential part of which is the approval of the Board of Trustees, as mandated by Article B[3]-[4], p.19. This Article is also the only provision for terminating a service.

B [3]-[4], p.19:

"[3]. Appointments and actions affecting renewal of appointments, promotion, tenure designation, and termination of service shall normally follow faculty recommendations. Departure from this standard shall be limited to those cases involving compelling reasons. ....."

[4]. Faculty recommendations concurred in by the appropriate administrative officers shall be transmitted by them to the President, who shall transmit them to the Board of Trustees[1]. Variant or nonconcurring recommendations ....."

On December 28, 2006 President Trachtenberg notified Prof. Saha in writing that VP Lehman recused himself. Thereafter President Trachtenberg did not seek approval from Board of Trustees to revoke petitioner's tenure, and, therefore, petitioner's tenure was never revoked. Petitioner was never given any termination letter.

After failing to revoke tenure, GWU resorted to a fraudulent letter from some John Williams Jr. (Appendix A) to terminate petitioner's position and stop paycheck effective March 1st, 2007. This letter produced by GWU almost one year after March 1st,

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[1]The meaning of "transmit" here is guided by GWU's practice and procedures which implies approval of Board of Trustees. Plaintiff's tenure designation had to be approved by the Trustees. In other instances, even when faculty recommendation is tenure denial (e.g. Kakes v. GWU: 683 A.2d at 130), GWU administration's past practice has been seeking the approval of Board of Trustees, not just transmitting the faculty recommendation as matter of courtesy.

2007 does not mention the office of origin and does not bear any signature; ***the letter, therefore, does not have any legal merit***. Also, John Williams needed a Declaration under penalty of perjury to introduce the unsigned letter to the Court.

In absence of approval from Board of Trustees, as required by the Faculty Code, John Williams' letter which does not have any legal merit constitute GWU's fraud in terminating petitioner's position.

2. Failure of GWU Faculty Code

GWU Faculty Senate, after recognizing petitioner's May 9, 2008 Grievance, failed to appoint a mediator and follow through as mandated by the Code[2]:

Prof. Kurt Darr, Chair of Senate Dispute Resolution Committee, in a joint meeting on Srptember 26, 2008, recused himself from decision making authority (Rc. Appendix K), while Prof. Arthur E. Wilmarth, Chair of Senate Executive Committee refused to intervene.

The Faculty Code thus failed to function. The ultimate authority over the Code, however, lies with Board of Trustees as claimed in its proclamation[3].

---

[2] *"the Chair of the Dispute Resolution Committee shall promptly appoint a special mediator of appropriate qualification to assist the University and the aggrieved party to resolve the dispute..."* (pp. 24-25, Faculty Code).

[3] *"The Board of Trustees of the George Washington University, by virtue of the authority vested in it by the University Charter, hereby establishes the following Faculty Code...."* (p.1, Faculty Code).

The petitioner, therefore, wrote to Chair W. Russel Ramsey of the Board of Trustees (Appendix B), but the Trustees did not respond even after several reminders.

In this unique situation, the only plausible solution is the intervention of this court. ***The situation, therefore, warrants this Court's approval of the Rehearing and granting the Petition for Writ.***

3. Financial strangulation

A. Failure in honoring written agreement:

As per Sept. 30, 2005 letter of Vice President Lehman (Appendix C), petitioner is on paid suspension until further notice. No further notice has been given since Sept. 30, 2005 Therefore, by stopping petitioner's paycheck effective March 1st, 2007, respondent GWU failed to honor the written agreement.

B. Financial ruin:

After Whistle Blowing, in a one-to-one meeting in 1997, while President Trachtenberg suggested that petitioner stay home during the summer months without doing consulting, the administration stopped raise in salary. Petitioner's salary in 2007 remained the same as he had in the beginning of 1996, except for a difference of 394 dollars over a period of eleven years. Following suggestion of Trachtenberg he did not pursue consulting over one decade. He kept his word and pursued only research during summer months over one decade.

4. Premeditated campaign of defamation in teaching and research

Defamation in Teaching: In the Schaffner Panel Hearing, Defendant GWU presented Prof. Roger Henry Lang, a former EECS Dept. Chair, as a witness to tarnish petitioner's teaching credential; Lang testified under oath that petitioner Saha taught only three or four courses, and it was difficult to assign courses for him. The panel was also presented other lies to defame petitioner's professional activities.

Appendix D is a professional sketch of petitioner; it confirms that Prof. Saha taught a dozen of courses, nine of which were of graduate level; ***he did not teach just three or four courses.***

Defamation in Research:
GWU's Intellectual Stalwart, VP for Academic Affairs, Donald Lehman, in unequivocal terms, testified to the Schaffner Panel that Prof. Saha did nothing in terms of research.

VP Lehman, on May 10, 2007, in connection with petitioner's Grievance, was given the opportunity to qualify his position on petitioner's research. GWU's Intellectual Stalwart chickened out and refrained from answering.

Appendix E is a Summary of petitioner's recent research work which is yet to be completed. Academic freedom usually does not compel any tenured faculty publicize his or her research untimely before it is completed. Yet, petitioner Saha is making this Summary available for this Court. This Court is welcome to seek opinion from any

organization of international reputation on the merits of petitioner's research.

5. Premeditated Character Assassination by the Image of a Mass Killer

Since petitioner blew whistle on May 15, 1996 through his "Dear Colleague" letter, GWU administration led by VP Linda Salamon and Respondent Lehman secretly tried to label the petitioner as a security threat for the community, though there was absolutely no provocation on the part of the petitioner. After GWU's violation of petitioner's civil rights on Sept. 1st and Sept. 2nd of 2005, at least a dozen of documents on this matter have been secured.

These documents along with direct testimonies at GWU's Schaffner Panel Hearing established with certainty that Lehman administration, out of malice and vengeance, singled out petitioner as a thorn on their way and decided to label him with the image of a Mass Killer. ***They compared the petitioner with a Mass Killer at Concordia University and installed panic buttons in multiple locations in the Academic Center***, where Prof. Saha's office and mail box were located. Over a period of eleven years since whistle blowing, Respondent Lehman sent security officers and plain clothes officers inside and outside petitioner's classroom on multiple occasions. Lehman testified during GWU's Hearing that during the entire period he took the office of VP for Academic Affairs, he did not send plain clothes police to any classroom but petitioner's. As would be revealed shortly, this was a ***premeditated plot to assassinate***

the character of petitioner as revenge for whistle blowing.

Premeditated Plot of Character Assassination: Mass Killer

The barrage of discriminatory acts committed by Lehman administration over one decade was hard to explain till an e-mail of Respondent Lehman (Appendix F) was discovered. This e-mail to ECE Chair Korman revealed for the first time the existence of Panic Buttons in the Academic Center.

After tracing through all available documents it was found that the idea of installing Panic Buttons was conceived of before Aug. 20, 1996 (Re. Dolores A. Stafford's memorandum in Appendix G), i.e., within about three months from May 15, 1996 when petitioner blew whistle through his "Dear Colleague" letter. There was no unpleasant incident during those three summer months when school was mostly closed. ***Thus, the administration conceived of the idea of Panic Buttons in cool brain.***

As per July 31st, 1997 memo (Appendix I), Prof. Zaghloul became concerned of Physical safety after "February incident" in that year. But as per Feb.4, 1997 memo (Appendix H), installation order of Panic Buttons was completed on or before Jan. 30, 1997, i.e., before the "February incident". Furthermore, panic buttons idea was conceived of in the previous year in Aug. 1996, long before the "February Incident". Thus it is established Prof. Zaghloul lied in her July 31, 1997 memo. On July 31st, 1997, there was a high level administrative meeting (which VP Lehman was scheduled to attend) in which ***similarity***

was drawn between Prof. Saha and a Mass Killer at Concordia University. Thus, decision on Panic Buttons on account of Prof. Saha was taken **before** the reported "February incident" and six months (i.e. Jan. 30-July 31st) prior to the high level administrative meeting which was **orchestrated only to associate the image of a Mass Killer to the character of Prof. Saha.**

Moreover, the "February Incident" is completely fictitious because there was no unpleasant incident in EECS Dept in the month of February. Therefore, July 31st, 1997 high level meeting was **a premeditated attempt to assassinate the character of petitioner Saha by labeling him with the image of a Mass Killer[4].**

In Walters v. Churchill (No. 92-1450), respondent Churchill after being fired from nursing job sued under 42 U.S.C.-1983. District Court awarded summary judgment against Churchill. Churchill appealed and Court of Appeals, seventh circuit, reversed the judgment and held that employer and supervisor were not entitled to summary judgment in wrongful termination action. Employee Churchill produced enough evidence to create a material issue of disputed fact about employer's actual motivation for the job termination.

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[4] An Unknown Movement: On Aug 22nd, 1997, Rachelle Heller e-mailed VP Lehman and wrote: "I would be happy if Steve did not meet with Deb as that seems to stall our **forward movement**." (*Note: here Steve means President Trachtenberg and Deb means Prof. Saha*).

In the Supreme Court decision, Justice O'Connor, joined by the Chief Justice, Justice Souter, and Justice Ginsburg, in their conclusion, wrote:

"Nonetheless, the District Court erred in granting petitioners summary judgment, since Churchill has produced enough evidence to create a material issue of disputed fact....."

In case of Saha v. Lehman et al, intervening circumstances present overwhelming material facts that establish the motivating factors behind wrongful termination of Petitioner Saha's employment. ***The decision of the Court of Appeals, D.C. Circuit, therefore, is in direct conflict with the decision in Walters v. Churchill, made in the Seventh Circuit that was later endorsed by the Supreme Court***

III. Role of this Court in the Mission of Academia

Teaching is a noble profession, and any institute of learning must have the obligation of maintaining the highest standard of ethics, morals, and justice. ***The truth does not have to show respect to any administration, to any institution, or even to any society. Rather, society, institution, and administration have to bow down and show respect to the truth.***

Since prehistoric ages, academia has been the guardian of moral principles of the society, and legal principles are supposed to be reflection of the moral principles. Therefore, this Court, by virtue of the responsibility delegated to it for the society, has the obligation to illuminate the truth even though the respondents may try to hide them ***under the shield of internal affairs.***

A gentleman and a President, who helped building this nation, when first elected to the Congress, wrote in the Congressional directory that his education was defective. In spite of such deficiency, he was ***courageous*** to start a long term mission for which even Communist Karl Marx wrote a congratulation letter, and we all have witnessed influence of that ***courage*** in 2008 Presidential election. Petitioner strongly believes, in writing the opinion on this case, it is not the legal minds of nine Honorable Justices of this Court but their courage will be tested. ***Petitioner respectfully appeals to each member of the bench to exercise courage to speak his/her mind and illuminate the truth.***

Furthermore, the petitioner humbly reminds the bench that the bigger picture of this case is all about academic integrity and moral bringing up of

children in Academia which is supposed to transcend race, religion, color, gender and national barrier, and is supposed to strengthen the security of the nation not by only implanting electronic gadgets here and there, but by properly educating our children and spreading the brotherhood through them beyond the geographic boundary of the nation. ***So, in writing the opinion on this case, the courage of the bench is of immense national importance.***

This court has moral obligation to take necessary steps

(a) ***To ensure that quality of justice is at least marginally superior to the quality of justice in Late Saddam Hussein's dictatorial Iraq.***

(b) ***To provide best possible protection for academic integrity and make arrangements so that moral bringing up of our children in the capitol of the nation is trusted only in the hands of moral ones, and***

(c) ***To deter Anti-American Activity of GWU Administration from vandalizing the sense of decency, legal and moral rights that is protected under United States Constitution. GWU's vandalism over twelve years is reflected in the intervening circumstances and substantial grounds outlined above.***

CONCLUSIONS

For the foregoing reasons, the petition for rehearing should be granted, the decision of February 23, 2009 vacated, and the case scheduled for argument.

Respectfully submitted,

Debabrata Saha (pro se)
9409 Fairpine Lane
Great Falls, VA 22066
(703) 757-5418

Date: March 16, 2009

CERTIFICATE OF GOOD FAITH

I hereby certify that this petition for rehearing is presented in good faith and not for purpose of delay.

Respectfully submitted,

Debabrata Saha (pro se)
Date: March 16, 2009

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEBABRATA SAHA, Ph.D.
Plaintiff,

v. CA NO. 08-00087 RCL

GEORGE WASHINGTON UNIVERSITY, et al
Defendants.

DECLARATION OF JOHN F. WILLIAMS, JR.

1. My name is John F. Williams, Jr.
2. I am and was at all times material hereto the Provost of The George Washington University.
3. I am competent to execute this declaration, which I do upon personal Knowledge.
4. Attached hereto is a true and correct copy of the March 1, 2007 letter (with attached memorandum from Dean Fredrick M. Lawrence) that I sent to Professor Debabrata Saha in my capacity as Provost, notifying him that his tenure and faculty appointment was terminated by the University effective March 1, 2007.
5. I had this letter delivered to Professor Saha by Courier and regular mail on March 1, 2007.

I HEREBY CERTIFY under penalty of perjury that the foregoing is true and correct.
/s/
John F. Williams, Jr.
Date 2/20/08

THE GEORGE WASHINGTON UNIVERSITY
WASHINGTON, D.C.

Via Courier and First Class Mail

March 1st, 2007

Professor Debabrata Saha
9409 Fairpine Lane
Great Falls, VA 22066

Dear Professor Saha:

I have been informed by President Stephen Joel Trachtenberg that Executive Vice President Donald Lehman recused himself from determining under Section 7 of the Grievance Procedure, whether there are compelling reasons not to implement the Dispute Resolution Committee's decision to terminate your tenure for adequate cause. He has further informed me that Dean Fredrick Lawrence, to whom that role was delegated, found no compelling reasons (as per the enclosed memorandum). Therefore, the decision will be implemented.

Your tenure, and your University faculty appointment, is terminated effective March 1, 2007.

Appendix B

Debabrata Saha
9409 Fairpine Lane
Great Falls, Viginia 22066, U.S.A.
(703)757-5418

W. Russel Ramsey
Chairman, The Board of Trustees
The George Washington University
Rice Hall, 2121 Eye St., N.W., Suite 802
Washington, D.C. 20052

December 1, 2008

Dear Mr. Ramsey:

As a tenured member of GWU Faculty, I write to you on the matter of a grave situation, the governance of which lies with the Board of Trustees as mandated by its proclamation:

"The Board of Trustees of the George Washington University, by virtue of the authority vested in it by the University Charter, hereby establishes the following Faculty Code...." (p.1, Faculty Code)

I joined GWU in 1986 and the Board of Trustees awarded me tenure effective Fall of 1993. I would like to draw your attention to following two issues:

(1) Effective March 1st, 2007, GWU administration, without due process guaranteed in the Faculty Code, stopped my pay check. The administration neither resorted to revocation of my tenure following Faculty

Code (Re. Article B[3]-[4], p.19) nor issued any letter of termination.

(2) Lately, I have been placed between rock and hard place when the Faculty Senate, after recognizing my May 9, 2008 Grievance failed to appoint a mediator and follow through as mandated by the Code:

"the Chair of the Dispute Resolution Committee shall promptly appoint a special mediator of appropriate qualification to assist the University and the aggrieved party to resolve the dispute..." (pp. 24-25, Faculty Code).

Prof. Kurt Darr, the Chair of the Senate Dispute Resolution Committee, in our joint meeting on Srptember 26, 2008, recused himself from decision making authority, while Prof. Arthur E. Wilmarth, Chair of the Senate Executive Committee refused to intervene.

The Faculty Code failed to function. Therefore, the final and ultimate authority on the two issues of University Governance, by virtue of the proclamation above, now lies with the Board of Trustees. I, therefore, request your attention and authoritative intervention on the two issues of grave importance. I would appreciate your response to this matter at your earliest.
Sincerely,

/s/
Debabrata Saha
Department of Electrical and Computer Engineering
School of Engineering and Applied Science, GWU

Appendix C

THE GEORGE WASHINGTON UNIVERSITY
WASHINGTON, D.C.
Executive Vice President for Academic Affairs

November 18, 2005

Professor Debabrata Saha
9409 Fairpine Lane
Great Falls, VA 22066

Dear Professor Saha:
Professor Korman informed me of your November 10, 2005 inquiry regarding your teaching status for the Spring 2006 semester. As I stated in my letter to you dated 29 August, as modified by my letter dated 3 October, you are on paid suspension until further notice.

If you have any question, please feel free to call me.

Sincerely,

/s/
Donald R. Lehman

cc: Professor Korman

Appendix D

Professional Sketch

Debabrata Saha
9409 Fairpine Lane
Great Falls, VA-22066
(703) 757-5418

February, 2009

Summary: Career objective is a Teaching and/or Research and Development oriented position in which my research experience in digital communications and information theory along with my backgrounds in Physics, Electronics, and Networking can be made useful in a meaningful way, and I would be benefited from my experiences of (a) twenty years of University teaching and research as a tenured member of faculty, and (b) consulting in Satellite and Mobile Communications industry.

Academic Background

Science : B. Sc., Physics (Honors), Univ. of Calcutta, India 1976
Technology : B. Tech, Radio Physics & Electronics, Univ. of Calcutta, India, 1980
Applied Science : M. A. Sc. , Communications, Univ. of Toronto, Canada, 1982
Engineering: Ph. D., Computer, Information & Control Engineering, Univ. of Michigan, Ann Arbor, Michigan, 1986

Awards and Honors :
1972-1975 : National Scholarship, Gov. of India
1976-1979 : National Scholarship, Gov. of India
1980-1982 : Rai Bahadur Jogendra Nath Ghosh Overseas Scholar, University of Calcutta
1983-1985 : University of Michigan CICE Fellowship

Professional Society

- Senior Member of IEEE
- Former Chairman of Washington D.C.-Northern Virginia Section of IEEE Information Theory Society
- Former President and Co-Founder of Students' Governing Body Union, The University Colleges of Science & Technology, Univ. of Calcutta

Goal

- Engineering R&D type research that applies to mobile, satellite and underwater communications,
- Theoretical Research in Information and Probability Theories

Work Experience

- 1986- University Teaching and Research, **the George Washington University**, Washington D.C.20052
  Area: Communication Engineering and Information Theory
- 1993-'96: Engineering Consulting, **Hughes Network Systems**, Germantown, MD
  Area: Bandwidth Efficient Modulation & Signaling, and Networking (CDPD systems)
- 2007Summer:Engineering Consulting, **Hughes Network Systems**, Germantown, MD
  Area : Satellite Link Adaptation

(a) **Teaching** : ***1986-2007***

Graduate Courses Taught at the George Washington University

1. Probability Theory and Stochastic Processes (ECE-203)
2. Information Theory (ECE-241)
3. Coding Theory (ECE-242)
4. Communication Theory I (ECE-243)
5. Communication Theory II (ECE-244)
6. Digital Communication (ECE-246)
7. Computer Networking I (ECE-248)
8. Computer Networking II (ECE-249)
9. Information Theory II (Special Topic Course; prerequisite ECE-241)

Undergraduate Courses Taught at the George Washington University

1. Circuit Theory (EE-12, former EECS Dept.)
2. Engineering Mathematics (Applied Science-114, Math-112)
3. Communications Eng. Laboratory (EECS-146)

(b) **Research**: ***1986-***

- Engineering Research in the area of Digital Communications and Networking
- Supervision of Doctoral Theses in the areas of Digital Communications, Networking and multiple-access communication
- Theoretical Research in the area of Information and Probabilities Theories
- Engineering Consulting in local industry

Partial list of Published Work and Work in Progress

Book (in progress) : : *A treatise on Information*

Nearly half of the book is complete; a few chapters are tied to Saha's research; pending upon completion of the research

Research (in progress) : *Information, Randomness and Complexity*

Since 1920's, a few attempts have been made to establish a general measure of information but without any success. Saha introduces **a new measure** with the following highlights:

- It **does not** require any **underlying probability structure**
- Shannon measure becomes a special case when there is a probability structure
- It computes the complexity of a finite sequence
- It establishes that **notion of information measure should preclude notion of probability**

Saha has been working on this measure for some years. Progress has been made but the work is yet to be completed.

Research (completed, unpublished):

"Equalization and Q^2PSK Signaling," Debabrata Saha, Dept. of Electrical Eng. And Computer Sc., The George Washington University, Washington, D.C.

Research (published):

Debabrata Saha and Stanley E. Kay, "Cellular Digital Packet Data Network," IEEE Trans. On Vehicular Technology, Vol.46, No.3, pp.697-706, August 1997.
Rashid Al-Naami and Debabrata Saha, "Status Sense Multiple-Access Communication (S^2MA) Communication," IEEE Trans. On Commun,. Vol. 40, No. 6, pp. 996-1002, June 1992.

Osama El-Ghandour and Debabrata Saha, "Differential Detection in Quadrature-Quadrature Phase Shift Keying (Q^2PSK) Systems," IEEE Trans. On Commun,. Vol. 39, No. 5, pp.703-712, May 1991.

Debabrata Saha, "Channel Coding with Quadrature Quadrature Phase Shift Keying (Q^2PSK) Signals," IEEE Trans. On Commun,. Vol. 38, No. 4, pp.409-417, April 1990.

Debabrata Saha and Theodore G. Birdsall, "Quadrature-Quadrature Phase Shift Keying," IEEE Trans. On Commun,. Vol. 37, No. 5, pp.437-448, May 1989.

D. Saha, "Quadrature-Quadrature Phase Shift Keying with Constant Envelope," US Patent, Number : 4,730,344; March 1988.

D. Saha, "Quadrature-Quadrature Phase Shift Keying," US Patent, Number : 4,680,777; July 1987.

Appendix E

Information, Randomness and Complexity

Debabrata Saha
9409 Fairpine Lane
Great Falls, VA-22066, U.S.A.
(703) 757-5418

Summary

This work addresses the general issues of randomness, information content and complexity of a source. It introduces a measure of information without requiring any underlying probability structure. The following are the highlights of the work which is yet to be completed.

- Shannon's derivation of information measure is quite elegant, yet his information theoretic entropy is identical to that of Boltzmann's thermodynamical entropy. Shannon arrived at the same result due to Boltzmann because one axiom in Shannon's formulation, though stated from a different perspective, is mathematically equivalent to an axiom used for deriving Boltzmann's relation. This mathematical equivalence of two different sets of axioms represents the underlying connection between entropies in Physics and Shannon theory. However, when there is no underlying probability structure, Shannon theory fails to be meaningful for information measure.

- Information theory should stand alone without requiring the discipline of probability theory. It is possible to conceive of a measure of descriptive information without requiring an underlying probability structure. This measure leads to Shannon measure when there is an underlying probability structure. Shannon measure is thus a special case of the new measure. The new measure is strictly deterministic, context free, and computable.

- Finding the underlying probability structure of a given source, even when it exists, is very much challenging. With a finite length observation, relative frequency approach of finding estimate of this structure often lacks conceptual merit. Use of the new measure in computing information content in a sequence may spontaneously give rise to the *natural* alphabet of the source and the corresponding probability structure without running into any conceptual shortcoming. Thus, the notion of information measure should preclude the notion of probability.

Appendix F

Plaintiff Exhibit 25
1 page

On 9/2/05, Donald Lehman wrote:
Can:

Thanks for your message. After reading Brana's message, I raised several questions with Tim Tong. I don't believe he has yet had a chance to answer them.

I understand fully your concerns. At the same time, I don't know what Professor Saha knows or does not know. For example, are we sure that he has actually seen and read my letter to him?

With regard to your other suggestions, everymen's security on campus is top priority. It appears that Professor Saha left the classroom in a peaceful manner last evening. If he has seen my letter, he should know that he is not to be teaching or appearing for classes, etc. Therefore, I do not think it is wise for us to have obvious coverage of the classes that he was originally assigned to teach. However, for the first few classes, it is wise to have a plain-clothed officer near by.

With regard to the Department, the steps you outline appear to be reasonable through the use of the "panic" buttons that have been placed there for that purpose.

9/6/2005

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Appendix G

Exhibit 46
Plaintiff Exhibit 36
1 page

TO: Dr. Mona Zaghloul, Chair
Electrical Engineering and Computer Science
Department

FROM: Dolores A. Stafford, Director
University Police Department

Date: August 20, 1996

I am providing two estimates for your review. The price for one panic button in your area would be $305, the price for two panic buttons would be $510. Please let me know if you are interested in pursuing either of these options. If you have any further questions or concerns, please give me a call at 994-6948. Thanks.

DAS/akh

Please forward to the Dean with request of two buttons.

255

Appendix H

Plaintiff Exhibit 28
1 page

TO: Dean G. Frieder, SEAS

FROM: M. E. Zaghloul, Chair, EE&CS (Signature)

Date: February 4, 1997

RE: Cost of Security System

Per our discussion after our meeting with Dr. Lehman on Thursday, January 30, 1997 I am attaching a copy of the letter sent by Dolores A. Stafford of Campus Security regarding the cost of setting up a panic button system for my office in the Academic Center. You stated that you would pay the cost, which appears to be approximately $815. Please let me know if we should contact Ms. Stafford or if your office will take care of that. Thank you.

MEZ:mh

Attachment

Appendix I

Exhibit 78
Plaintiff Exhibit 26
2 pages
DRAFT

The George Washington University
Washington D.C.
INTERDEPARTMENTAL MEMORANDUM

TO: File
From: M.E. Zaghloul, Chair, EECS (Signature)
Date: July 31, 1997
RE: Personnel Safety and other concerns relating to Associate Professor Saha

T. Mazzuchi called a meeting in the office of the University General Counsel at 11:00 a.m. Thursday, July 31, 1997. Present were: T. Mazzuchi, D. Fields, A. Woolridge, R. Pickholtz and myself. Dr. Lehman could not attend for personal reasons.

This memo was requested to record the main points of discussion and specific recommendations that were made relating to safety concerns.

The more recent background was recapitulated. It appears that shortly after an incident in the office of the Department of E.E. & CS in February, 1997 involving Dr. Saha, the University placed him on administrative leave. Subsequently it was necessary to send University security officers to ask Dr. Saha to leave a classroom. Thereafter, a committee of D. Ramaker and A. Woolridge investigated this latest affair and the written past record. The committee interviewed several people

who witnessed the events, and also obtained some written statements. Although I was informed that a report was issued by the committee, I have never received a copy nor anything in writing about the recommendations contained in that report. I have been given to understand that there was subsequent correspondence and oral communications by D. Lehman, President Trachtenberg, and T. Mazzuchi with Dr. Saha.

While the details of the report and correspondence were confidential, it was agreed at the meeting that a summary of the contents of the report, correspondence and communications would be sent to me so that I can properly do my job as chair and not be kept in dark.

I had expressed concerns for my physical safety after the incident in February and the University promptly installed a direct-line security alarm in my office and that of the front office staff. R. Pickholtz, upon his return from Sabbatical, also expressed apprehension. He was not totally aware of the events including the February incident, the removal of Dr. Saha by security, or the installation of security devices. Upon his discovery of this, he spoke with me and also with T. Mazzuchi about his concerns. The meeting today is the result.

R. Pickholtz proposed that before any further actions are taken in this connection, that bonafide security and behavior experts be called in to advise the process. This suggestion is informed by the "Cowen Report" that recounts the lessons from shooting of 5 faculty, 4 of whom were killed, at

Concordia University by another disgruntled faculty member in 1992. That report and other documents provide recommendations dealing with difficult people in the University setting, even the possibility of violence. Actions taken without the advice of experts in safety and behavior could seriously backfire. It was agreed that this suggestion be implemented in a "timely manner" and that information on process and progress would follow in writing to keep me informed.

At this point we can not allow ourselves to be lulled into a sense of false security through a directed reconciliation extracted from Dr. Saha that might be disingenuous. We need to gather counsel to find ways to help Dr. Saha without exacerbating the problem.

cc: T. Mazzuchi, A. Woolridge, D. Fields, D. Lehman, and R. Pickholtz

Appendix J

GWU's Discriminatory Actions against Petitioner Saha as part of the whole picture of Character Assassination:

- Creation of secret mail box to divert petitioner's mail
- Four suspensions over eight years, and reinstatements (except the last one) without apology
- Allegation of plagiarism and scientific misconduct which Lehman was forced to drop but without any apology
- Drawing similarity with a Mass Killer (*though the petitioner during his entire life literally never touched a fire arm, even not a pocket pistol, and to the best of his knowledge, he has never been accused of any activity criminal in nature in any of the three countries he lived in*) and installing Panic Buttons (**which were never triggered on account of Saha**).
- Isolating Saha from GWU community by excluding him from all committees including participation in Doctoral these and Qualifying Exams
- Social isolation through Ostracism; nobody knocked on his door for a decade for any social interaction
- Sending security agents and plain clothes officers inside and outside his classroom(s) on multiple occasions (at least in 1997, 1999 and 2005)
- Perp walking him on the campus on Sept. 1st and Sept. 2nd , 2005

Appendix K

Debabrata Saha
9409 Fairpine Lane
Great Falls, Viginia 22066, U.S.A.
(703)757-5418

Professor Arthur E. Wilmarth, Jr.
Chair, Senate Executive Committee
The George Washington University Law School
2000 H Street, N.W., Washington, D.C. 20052

October 14, 2008

Re: Saha's 2008 Grievance against The George Washington University Administration

Dear Professor Wilmarth:

This letter is based on the assumption that we live in a society where quality of justice is expected to be at least marginally superior to the quality of justice in Late Saddam Hussein's dictatorial Iraq. But GWU administration with its puppet committees (similar to those of Saddam Hussein's) proved it to be otherwise. Multiple Frauds by Executive VP Lehman (one of which is proved with certainty by direct testimony of President Trachtenberg), glaring multiple violations of Faculty Code by President Trachtenberg, Kangaroo Court conducted by GW Law School Professor Joan Schaffner, Intellectually impotent Moersen Committee's Report proved beyond any doubt that Saddam Husseins of America's Higher Education are still breathing

oxygen from our good old Mother Earth. For the sake of moral bringing up of our children they should not be on the campus. It is a shame that **Moral Bankruptcy** of Lehman administration failed America in Nation's Capital.

The **Root Cause** of this grievance started with my **1996 whistle blowing** when Dean Gideon Frieder threatened me in writing about revoking my tenure; it was an **unlawful intimidation** because the administration neither filed any complaint nor had any evidence of substance other than **Lies & Moral Bankruptcy of the following trio**

(a) VP for Academic Affairs, Linda Salamon,
(b) Dean Gideon Frieder, &
(c) Chairwoman Mona Zaghloul

The details are in the **37 page document** that was submitted to Wooldridge-Ramakar committee in 1997 and has been kept secret for **Eleven Years**. ***This intimidation violated all professional ethics and faculty rights mandated by the Faculty Code.***

GWU further compromised ethics of civilized world and University's responsibility to the community (Faculty Code p.2 & AAUP Guidelines p.3) by keeping Salamon- Frieder- Zaghloul trio on GWU Faculty and allowing them to continue to molest the moral character of our students through their proximity influence on our children. In one pile of evidence that was shared with Prof. Darr on September 26, 2008, there is a picture of a President of the University printed by students on the campus; it certainly shows that the moral taste of the campus is not where it should have been brought to. On most of the college campuses around the country, such

picture would have been unthinkable. **It demonstrates that ethics and moral values of administrators and faculty alike influence overall development of our students in very subtle way.**

This Grievance is a reflection of Prof. Saha's twelve years long struggle against lack of academic integrity, lack of ethics and void of morals in the administration of GWU.

Highlights of Sept 26, 2008 meeting for Substantiation of Grievance :

- At the beginning of the meeting I requested that representative of the General Counsel recuse himself. It was desired for fairness of the Grievance proceedings. But the representative declined to recuse himself and sat through the entire meeting.
- Prof. Kurt Darr recused himself from his role as Dispute Resolution Committee Chair by stating unequivocally : " I am not the decision maker". Then, the questions are : "who is the decision maker" and "how this substantiation process fits in to the guiding rules of the Faculty Code". Prof. Darr violated the governing rules of the Faculty Code. Following Article E [3], p.24 of the Faculty Code, now the Grievance should be addressed by the Dispute Resolution Committee and the committee

  "shall promptly appoint a special mediator of appropriate qualifications ...."

- Prof. Darr declined to examine many evidence and notes. In particular, he declined to

examine documents, transcript of audio tapes that prove fraud and perjury of high ranking GWU officials which would further enhance the Grievance.

- During the meeting Prof. Darr repeated many times : "I don't need to know those (evidence and events crucial to the Grievance)".
- **Shocking Revelation** : Prof. Darr acknowledged that in Fall 2006 deliberation of the appeal against Schaffner Panel decision, he did not participate and vote. When I confronted him questioning about his role, he said "eight fresh members were chosen" for the appeal and they took the decision; he personally did not have to know the major events and evidence that went into my appeal arguments. On the contrary, the record (Exhibit-46, Evidence Set E of Substantiation of Saha's 2008 Grievance) shows that Prof. Darr himself was a part of the NINE (not eight that he claimed) members committee which deliberated a UNANIMUS decision and Prof. Darr transmitted the Fraudulent statement of UNANIMUS decision to VP For Academic Affairs. After Lehman recused himself, President Trachtenberg engaged on that Fraudulent statement of UNANIMUS decision. Prof. Darr acknowledged his perjury, fraud and his role in tainting Prof. Saha's Tenure Revocation attempt which fell short of completion without administrative action and without Approval of Board of Trustees.

According to the Governance of Faculty Senate (Article E [2], p.24 of the Faculty Code), the Dispute

Resolution Committee is elected by Faculty Senate. After Prof. Darr acknowledged his wrong doings in the Fall 2006 Appeal process, and most importantly, after he relinquished his decision making authority on Sept. 26, 2008, the burden lies with the Faculty Senate. Therefore, I write to you to take necessary steps so that the Dispute Resolution Committee may go ahead with my 2008 Grievance and may ***"promptly appoint a special mediator of appropriate qualifications".***

I would appreciate your attention to this matter so that this Grievance procedure may start at the earliest.

Sincerely,

Debabrata Saha, ECE Dept, SEAS

Enclosures: (1) First two pages of "Substantiation of Saha's 2008 Grievance against The George Washington University", (2) Saha's Six pages of Arguments submitted in June 2008.

cc: Senate Executive Committee